

SEKI, NISHIMURA & WATASE, LLP
GILBERT M. NISHIMURA (SBN 57905)
JANET L. KEUPER (SBN 128417)
jkeuper@snw-law.com
600 Wilshire Boulevard, Suite 1250
Los Angeles, California 90017
Tel.: (213) 481-2869 | Fax: (213) 481-2871

Attorneys for Defendants, COUNTY OF LOS ANGELES,
ROSELYN IBANEZ, DARLA CODDINGTON and JERRY POWERS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARIANA AMORE,

Plaintiff,

vs.

COUNTY OF LOS ANGELES, LOS
ANGELES COUNTY PROBATION
DEPARTMENT, LOS ANGELES
COUNTY CHIEF PROBATION
OFFICER JERRY POWERS, DEPUTY
PROBATION OFFICER OSCAR
CALDERON, JR., DEPUTY
PROBATION OFFICER FNU
IBANEZ, DEPUTY PROBATION
OFFICER FNU GONZALEZ,
SUPERVISING DEPUTY
PROBATION OFFICER FNU
CODDINGTON, and DOES 1 TO 10,

Defendants.

Case No.: 2:17-cv-5207-JAK

(Hon. John A. Kronstadt)

**ANSWER OF DEFENDANT,
COUNTY OF LOS ANGELES TO
PLAINTIFF'S SECOND AMENDED
COMPLAINT**

REQUEST FOR JURY TRIAL

Action Filed: July 14, 2017

1 COMES NOW DEFENDANT, COUNTY OF LOS ANGELES,
2 (referred to as "Answering Defendant") by and through its attorneys of
3 record, and answering Plaintiff, Ariana Amore's Second Amended
4 Complaint (SAC), admit, deny and allege on behalf of itself only and for no
5 others, as follows:

6 1. This Answering Defendant admits that the County of Los
7 Angeles operates a juvenile detention facility. This Answering Defendant
8 lacks knowledge sufficient to form a belief upon which to admit or deny the
9 remainder of the allegations of Paragraph 1 of the SAC and on that basis, the
10 remainder of Paragraph 1 is denied.

11 2. This Answering Defendant lacks knowledge sufficient to form
12 a belief upon which to admit or deny the allegations of Paragraph 2 of the
13 SAC and on that basis, the allegations of Paragraph 2 are denied.

14 3. This Answering Defendant lacks knowledge sufficient to form
15 a belief upon which to admit or deny the allegations of Paragraph 3 of the
16 SAC and on that basis, the allegations of Paragraph 3 are denied.

17 4. This Answering Defendant admits that Plaintiff's SAC seeks
18 compensatory and punitive damages. This Answering Defendant denies that
19 it violated any of Plaintiff's Constitutional Rights and denies that any of its
20 conduct was a cause of damage to Plaintiff. This Answering Defendant
21 denies that it was deliberately indifferent to Plaintiff or any of the
22 probationers; denies that it failed to respect and enforce policies, and
23 specifically denies that it failed to enforce key policies designed to prevent
24 or deter sexual abuse; denies that it failed to train its employees and
25 specifically denies that it failed to train its employees regarding policies
26 designed to prevent sexual abuse; denies that it failed to discipline its
27 employees for violating policies; denies that it maintained vague or unclear
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1 policies and denies that it maintained customs or practices that deviated from
2 written policy. This Answering Defendant lacks knowledge sufficient to
3 form a belief upon which to admit or deny the remainder of the allegations
4 of Paragraph 4 and on that basis, the remainder of Paragraph 4 is denied.

5 5. This Answering Defendant admits the jurisdictional allegations
6 of Paragraph 5.

7 6. This Answering Defendant admits that Plaintiff alleges conduct
8 of Los Angeles County employees. This Answering Defendant lacks
9 knowledge sufficient to form a belief upon which to admit or deny the
10 remainder of the allegations of Paragraph 6 and on that basis, the remainder
11 of Paragraph 6 is denied.

12 7. This Answering Defendant admits that Camp Kenyon Scudder
13 is a juvenile detention camp located at that address in Santa Clarita, CA.
14 This Answering Defendant admits that Plaintiff was incarcerated at Camp
15 Scudder. This Answering Defendant lacks knowledge sufficient to form a
16 belief upon which to admit or deny the remainder of the allegations of
17 Paragraph 7 and on that basis, the remainder of Paragraph 7 is denied.

18 8. This Answering Defendant admits that the County of Los
19 Angeles is a legal entity in the State of California. This Answering
20 Defendant lacks knowledge sufficient to form a belief upon which to admit
21 or deny the remainder of the allegations of Paragraph 8, based on the lack of
22 definition in the Paragraph, and on that basis, the remainder of Paragraph 8
23 is denied.

24 9. This Answering Defendant admits that the Los Angeles County
25 Probation Department is a public agency. This Answering Defendant denies
26 that, at the relevant times, defendant Jerry Powers was the Acting Chief
27 Probation Officer. This Answering Defendant admits that the Los Angeles
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1 County Probation Department operates Camp Scudder. This Answering
2 Defendant lacks knowledge sufficient to form a belief upon which to admit
3 or deny the remainder of the allegations of Paragraph 9 and on that basis, the
4 remainder of Paragraph 9 is denied.

5 10. This Answering Defendant admits that defendant Calderon was
6 a deputy probation officer for the LACPD. This Answering Defendant
7 denies that the alleged actions of Calderon, as asserted in the SAC, were
8 done within the course and scope of his duties as a probation officer and
9 denies that said alleged actions were done with authority or ratification of
10 County. This Answering Defendant denies that the alleged actions of
11 Calderon, as asserted in the SAC, were within the scope of his employment.
12 This Answering Defendant lacks knowledge sufficient to form a belief upon
13 which to admit or deny the remainder of the allegations of Paragraph 10 and
14 on that basis, the remainder of Paragraph 10 is denied.

15 11. This Answering Defendant admits the allegations of Paragraph
16 11 that defendant Ibanez was in the course and scope of her employment
17 with the County of Los Angeles Probation Department. This Answering
18 Defendant denies that defendant Ibanez violated Plaintiff's Constitutional
19 Rights and denies that any of her actions or omissions was a cause of injury
20 or damage to Plaintiff.

21 12. This Answering Defendant lacks knowledge sufficient to form
22 a belief upon which to admit or deny the allegations of Paragraph 12. This
23 defendant is not known to this Answering Defendant. On that basis, the
24 allegations of Paragraph 12 are denied.

25 13. This Answering Defendant admits the allegations of Paragraph
26 13 that defendant Coddington was in the course and scope of her
27 employment with the County of Los Angeles Probation Department. This
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1 Answering Defendant denies that defendant Coddington violated Plaintiff's
2 Constitutional Rights and denies that any of her actions or omissions was a
3 cause of injury or damage to Plaintiff.

4 14. This Answering Defendant lacks knowledge sufficient to form
5 a belief upon which to admit or deny the allegations in Paragraph 14 and on
6 that basis, Paragraph 14 is denied.

7 15. This Answering Defendant incorporates by reference all
8 admissions and denials as previously set forth in each and every paragraph
9 of its answer to the SAC.

10 16. This Answering Defendant admits that Plaintiff was remanded
11 to the custody of the LACPD and was incarcerated at Camp Scudder. This
12 Answering Defendant lacks knowledge sufficient to form a belief upon
13 which to admit or deny the remainder of Paragraph 16 and on that basis, the
14 remainder of Paragraph 16 is denied.

15 17. This Answering Defendant lacks knowledge sufficient to form
16 a belief upon which to admit or deny the allegations of Paragraph 17 and on
17 that basis, the allegations of Paragraph 17 are denied.

18 18. This Answering Defendant lacks knowledge sufficient to form
19 a belief upon which to admit or deny the allegations of Paragraph 18 and on
20 that basis, the allegations of Paragraph 18 are denied.

21 19. This Answering Defendant lacks knowledge sufficient to form
22 a belief upon which to admit or deny the allegations of Paragraph 19 and on
23 that basis, the allegations of Paragraph 19 are denied.

24 20. This Answering Defendant denies that it witnessed any
25 inappropriate conduct as alleged in Paragraph 20 of the SAC and denies that
26 it was aware of any inappropriate conduct as alleged in Paragraph 20 of the
27 SAC. This Answering Defendant lacks knowledge sufficient to form a
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1 belief upon which to admit or deny the remainder of the allegations of
2 Paragraph 20 of the SAC and on that basis, the remainder of Paragraph 20 is
3 denied.

4 21. This Answering Defendant denies that it witnessed any
5 inappropriate conduct as alleged in Paragraph 21 of the SAC and denies that
6 it was aware of any inappropriate conduct as alleged in Paragraph 21 of the
7 SAC. This Answering Defendant lacks knowledge sufficient to form a
8 belief upon which to admit or deny the remainder of the allegations of
9 Paragraph 21 of the SAC and on that basis, the remainder of Paragraph 21 is
10 denied.

11 22. This Answering Defendant lacks knowledge sufficient to form
12 a belief upon which to admit or deny the allegations in Paragraph 22 of the
13 SAC and on that basis, the allegations of Paragraph 22 are denied.

14 23. This Answering Defendant denies that defendant Coddington
15 was advised by Plaintiff's "godfather" about the alleged inappropriate
16 behavior of Calderon. This Answering Defendant denies that defendant
17 Coddington made the comments as alleged in Paragraph 23 and denies that
18 Coddington told plaintiff's godfather that she was the person to whom he
19 could make complaints. This Answering Defendant lacks knowledge
20 sufficient to form a belief upon which to admit or deny the remainder of the
21 allegations of Paragraph 23 and on that basis, the remainder of the
22 allegations of Paragraph 23 are denied.

23 24. This Answering Defendant lacks knowledge sufficient to form
24 a belief upon which to admit or deny the allegations in Paragraph 24 of the
25 SAC and on that basis, the allegations of Paragraph 24 are denied.
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1 25. This Answering Defendant lacks knowledge sufficient to form
2 a belief upon which to admit or deny the allegations in Paragraph 25 of the
3 SAC and on that basis, the allegations of Paragraph 25 are denied.

4 26. This Answering Defendant denies that it was advised of any
5 inappropriate conduct as alleged in Paragraph 26 of the SAC and denies that
6 it failed to intervene once notified of any allegations regarding Calderon.
7 This Answering Defendant lacks knowledge sufficient to form a belief upon
8 which to admit or deny the remainder of the allegations of Paragraph 26 and
9 on that basis, the remainder of the allegations of Paragraph 26 are denied.

10 27. This Answering Defendant denies that it discouraged camp
11 wards from making complaints, denies that it made the statements as set
12 forth in Paragraph 27 and denies that it dissuaded complaints. This
13 Answering Defendant lacks knowledge sufficient to form a belief upon
14 which to admit or deny the remainder of the allegations of Paragraph 27 and
15 on that basis, the remainder of the allegations of Paragraph 27 are denied.

16 28. This Answering Defendant denies that it discouraged
17 complaints, denies that its actions violated Plaintiff's Constitutional Rights
18 and denies that its actions were a cause of injury or damage to Plaintiff.
19 This Answering Defendant lacks knowledge sufficient to form a belief upon
20 which to admit or deny the remainder of the allegations of Paragraph 28 and
21 on that basis, the remainder of the allegations of Paragraph 28 are denied.

22 29. This Answering Defendant lacks knowledge sufficient to form
23 a belief upon which to admit or deny the allegations of Paragraph 29 and on
24 that basis, the allegations of Paragraph 29 are denied.

25 30. This Answering Defendant denies that the snack shop was not
26 regularly monitored. This Answering Defendant lacks knowledge sufficient
27 to form a belief upon which to admit or deny the remainder of the
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1 allegations of Paragraph 30 and on that basis, the remainder of the
2 allegations of Paragraph 30 are denied.

3 31. This Answering Defendant lacks knowledge sufficient to form
4 a belief upon which to admit or deny the allegations of Paragraph 31 and on
5 that basis, the allegations of Paragraph 31 are denied.

6 32. This Answering Defendant lacks knowledge sufficient to form
7 a belief upon which to admit or deny the allegations of Paragraph 32 and on
8 that basis, the allegations of Paragraph 32 are denied.

9 33. This Answering Defendant lacks knowledge sufficient to form
10 a belief upon which to admit or deny the allegations of Paragraph 33 and on
11 that basis, the allegations of Paragraph 33 are denied.

12 34. This Answering Defendant denies that the snack shop was not
13 visited by LACPD officers. This Answering Defendant lacks knowledge
14 sufficient to form a belief upon which to admit or deny the remainder of the
15 allegations or Paragraph 34 and on that basis, the remainder of the
16 allegations of Paragraph 34 are denied.

17 35. This Answering Defendant lacks knowledge sufficient to form
18 a belief upon which to admit or deny the allegations of Paragraph 35 and on
19 that basis, the allegations of Paragraph 35 are denied.

20 36. This Answering Defendant denies that it warned camp wards
21 not to snitch and denies that it told camp wards not to file complaints. This
22 Answering Defendant lacks knowledge sufficient to form a belief upon
23 which to admit or deny the remainder of the allegations of Paragraph 36 and
24 on that basis, the remainder of the allegations of Paragraph 36 are denied.

25 37. This Answering Defendant denies that defendant Coddington
26 made the comments as alleged in Paragraph 37, denies that the Answering
27 Defendant observed or was advised of any inappropriate conduct as alleged
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1 in Paragraph 37, denies that defendant Coddington was aware or had any
2 knowledge of the alleged actions as set forth in Paragraph 37, and denies
3 that Coddington failed to respond when advised of any inappropriate
4 conduct. This Answering Defendant lacks knowledge sufficient to form a
5 belief upon which to admit or deny the remainder of the allegations of
6 Paragraph 37 and on that basis, the remainder of the allegations of Paragraph
7 37 are denied.

8 38. This Answering Defendant admits that Coddington had
9 supervision of her subordinates, denies that she had any knowledge of any
10 inappropriate behavior as alleged in Paragraph 38, denies that she supervised
11 all LACPD officers, and denies that she observed any inappropriate behavior
12 toward Plaintiff. This Answering Defendant lacks knowledge sufficient to
13 form a belief upon which to admit or deny the remainder of the allegations
14 of Paragraph 38 and on that basis, the remainder of the allegations of
15 Paragraph 38 are denied.

16 39. This Answering Defendant denies that Plaintiff was isolated
17 from any protection by LACPD officers or staff. This Answering Defendant
18 lacks knowledge sufficient to form a belief upon which to admit or deny the
19 remainder of the allegations of Paragraph 39 and on that basis, the remainder
20 of the allegations of Paragraph 39 are denied.

21 40. This Answering Defendant lacks knowledge sufficient to form
22 a belief upon which to admit or deny the allegations of Paragraph 40 and on
23 that basis, the allegations of Paragraph 40 are denied.

24 41. This Answering Defendant lacks knowledge sufficient to form
25 a belief upon which to admit or deny the allegations of Paragraph 41 and on
26 that basis, the allegations of Paragraph 41 are denied.
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1 42. This Answering Defendant denies that it had notice or any
2 knowledge that Calderon was engaging in any conduct in violation of any
3 written policy. This Answering Defendant denies the remainder of
4 Paragraph 42.

5 43. This Answering Defendant denies that it failed to act as alleged
6 in Paragraph 43, and denies that it was aware of any conduct in violation of
7 department policy or law. This Answering Defendant admits that certain of
8 said policies are to deter sexual abuse but denies that it failed to enforce any
9 such policies as alleged in Paragraph 43. This Answering Defendant denies
10 the remainder of Paragraph 43.

11 44. This Answering Defendant denies that it failed to supervise
12 Calderon, denies that it was aware of any sexual abuse of Plaintiff as alleged
13 in the SAC, denies that it failed to report or investigate when notified of any
14 alleged inappropriate conduct of Calderon and denies that there was a
15 culture of LACPD officers intimidating camp wards from making
16 complaints. This Answering Defendant denies that it failed to act after being
17 advised of any inappropriate behavior by Calderon, denies that Calderon's
18 behavior was not timely investigated and denies that Calderon was not
19 subject to timely LACPD discipline. This Answering Defendant denies the
20 charging allegations of Paragraph 44.

21 45. This Answering Defendant denies that it was advised of any
22 inappropriate conduct of Calderon as alleged in Paragraph 45, denies that it
23 did not timely investigate, once notified of the alleged acts, and denies that
24 Calderon was not adequately trained or supervised. This Answering
25 Defendant denies the charging allegations of Paragraph 45.

26 46. This Answering Defendant denies that it violated Plaintiff's
27 Constitutional Rights and denies that any of its actions or omissions was a
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1 cause of injury or damage to Plaintiff. This Answering Defendant denies
2 that Plaintiff sustained any injury or damage as a result of any conduct on
3 the part of this answering defendant. This Answering Defendant lacks
4 knowledge sufficient to form a belief upon which to admit or deny the
5 remainder of the allegations of Paragraph 46 and on that basis, the remainder
6 of Paragraph 46 is denied.

7 47. This Answering Defendant denies that it violated Plaintiff's
8 Constitutional Rights and denies that any of its actions or omissions was a
9 cause of injury or damage to Plaintiff. This Answering Defendant denies
10 that Plaintiff sustained any injury or damage as a result of any conduct on
11 the part of this answering defendant. This Answering Defendant lacks
12 knowledge sufficient to form a belief upon which to admit or deny the
13 remainder of the allegations of Paragraph 47 and on that basis, the remainder
14 of Paragraph 47 is denied.

15 48. This Answering Defendant denies that it violated Plaintiff's
16 Constitutional Rights and denies that any of its actions or omissions was a
17 cause of injury or damage to Plaintiff. This Answering Defendant denies
18 that Plaintiff sustained any injury or damage as a result of any conduct on
19 the part of this answering defendant. This Answering Defendant lacks
20 knowledge sufficient to form a belief upon which to admit or deny the
21 remainder of the allegations of Paragraph 48 and on that basis, the remainder
22 of Paragraph 48 is denied.

23 49. This Answering Defendant denies that it violated Plaintiff's
24 Constitutional Rights and denies that any of its actions or omissions was a
25 cause of injury or damage to Plaintiff. This Answering Defendant denies
26 that Plaintiff sustained any injury or damage as a result of any conduct on
27 the part of this answering defendant. This Answering Defendant lacks
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1 knowledge sufficient to form a belief upon which to admit or deny the
2 remainder of the allegations of Paragraph 49 and on that basis, the remainder
3 of Paragraph 49 is denied.

4 50. This Answering Defendant denies that it violated Plaintiff's
5 Constitutional Rights and denies that any of its actions or omissions was a
6 cause of injury or damage to Plaintiff. This Answering Defendant denies
7 that its actions or omissions were willful, wanton, malicious or oppressive or
8 were in reckless disregard or in deliberate indifference to or with intent to
9 deprive Plaintiff of her Constitutional Rights. This Answering Defendant
10 denies that it violated Plaintiff's Constitutional Rights and denies that any of
11 its employees are liable to Plaintiff for exemplary or punitive damages. This
12 Answering Defendant denies the remainder of Paragraph 50.

13 51. This Answering Defendant incorporates by reference all
14 admissions and denials as previously set forth in each and every paragraph
15 in its Answer to the SAC.

16 52. This Answering Defendant admits that Plaintiff was a ward of
17 the court and incarcerated at Camp Scudder. This Answering Defendant
18 admits that Camp Scudder is a juvenile detention facility operated by the
19 County of Los Angeles. This Answering Defendant lacks knowledge
20 sufficient to form a belief upon which to admit or deny the remainder of the
21 allegations of Paragraph 52 and on that basis, the remainder of Paragraph 52
22 is denied.

23 53. This Answering Defendant denies that it deprived Plaintiff of
24 her civil rights, denies that its actions in any manner inhibited Plaintiff's
25 freedom of speech or right to petition for redress of grievances or to
26 complain of her treatment. This Answering Defendant denies that any of its
27 actions or omissions would chill a person of ordinary firmness from
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1 engaging in freedom of speech. This Answering Defendant denies the
2 remainder of Paragraph 53.

3 54. This Answering Defendant denies that any of its actions
4 constituted an abuse of authority, denies that any of its actions were
5 unlawful or were intended to or did harm Plaintiff. This Answering
6 Defendant denies that any of its actions or omissions was unfair, arbitrary or
7 oppressive and denies that any of its actions was a cause of injury or damage
8 to Plaintiff. This Answering Defendant denies the remainder of Paragraph
9 54.

10 55. This Answering Defendant denies that any of its actions or
11 omissions was willful, wanton, malicious or done with reckless disregard for
12 the rights and safety of Plaintiff. This Answering Defendant denies the
13 remainder of Paragraph 55.

14 56. This Answering Defendant denies that any of its actions were
15 unlawful and denies that any of its actions or omissions was a cause of any
16 injury or damage to Plaintiff. This Answering Defendant denies the
17 remainder of Paragraph 56.

18 57. This Answering Defendant denies that it violated Plaintiff's
19 Constitutional Rights and denies that it was a cause of any injury or damage
20 to Plaintiff. This Answering Defendant denies the remainder of Paragraph
21 57.

22 58. This Answering Defendant incorporates by reference all
23 admissions and denials as previously set forth in each and every paragraph
24 in its answer to the SAC.

25 59. This Answering Defendant admits that Plaintiff was a ward of
26 the court and incarcerated at Camp Scudder. This Answering Defendant
27 admits that Camp Scudder is a juvenile detention facility operated by the
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1 County of Los Angeles. This Answering Defendant lacks knowledge
2 sufficient to form a belief upon which to admit or deny the remainder of the
3 allegations of Paragraph 59 and on that basis, the remainder of Paragraph 59
4 is denied.

5 60. This Answering Defendant lacks knowledge sufficient to form
6 a belief upon which to admit or deny the allegations in Paragraph 60 and on
7 that basis, the allegations in Paragraph 60 are denied.

8 61. This Answering Defendant lacks knowledge sufficient to form
9 a belief upon which to admit or deny the allegations in Paragraph 61 and on
10 that basis, the allegations in Paragraph 61 are denied.

11 62. This Answering Defendant lacks knowledge sufficient to form
12 a belief upon which to admit or deny the allegations in Paragraph 62 and on
13 that basis, the allegations in Paragraph 62 are denied.

14 63. This Answering Defendants lacks knowledge sufficient to form
15 a belief upon which to admit or deny the allegations in Paragraph 63 and on
16 that basis, the allegations in Paragraph 63 are denied.

17 64. This Answering Defendant lacks knowledge sufficient to form
18 a belief upon which to admit or deny the allegations in Paragraph 64 and on
19 that basis, the allegations in Paragraph 64 are denied.

20 65. This Answering Defendant denies that it violated Plaintiff's
21 Constitutional Rights and denies that any of its acts or omissions was a cause
22 of injury or damage to Plaintiff. This Answering Defendant denies that any
23 of its acts or omissions was unlawful.

24 66. This Answering Defendant incorporates by reference all
25 admissions and denials as previously set forth in each and every paragraph
26 in its answer to the SAC.

1 67. This Answering Defendant admits that Plaintiff was a ward of
2 the court and incarcerated at Camp Scudder. This Answering Defendant
3 admits that Camp Scudder is a juvenile detention facility operated by the
4 County of Los Angeles. This Answering Defendant lacks knowledge
5 sufficient to form a belief upon which to admit or deny the remainder of the
6 allegations of Paragraph 67 and on that basis, the remainder of Paragraph 67
7 is denied.

8 68. This Answering Defendant lacks knowledge sufficient to form
9 a belief upon which to admit or deny the allegations of Paragraph 68 and on
10 that basis, Paragraph 68 is denied.

11 69. This Answering Defendant lacks knowledge sufficient to form
12 a belief upon which to admit or deny the allegations in Paragraph 69 and on
13 that basis, the allegations in Paragraph 69 are denied.

14 70. This Answering Defendant lacks knowledge sufficient to form
15 a belief upon which to admit or deny the allegations in Paragraph 70 and on
16 that basis, the allegations in Paragraph 70 are denied.

17 71. This Answering Defendant lacks knowledge sufficient to form
18 a belief upon which to admit or deny the allegations in Paragraph 71 and on
19 that basis, the allegations in Paragraph 71 are denied.

20 72. This Answering Defendant lacks knowledge sufficient to form
21 a belief upon which to admit or deny the allegations in Paragraph 72 and on
22 that basis, the allegations in Paragraph 72 are denied.

23 73. This Answering Defendant denies that it violated Plaintiff's
24 Constitutional Rights and denies that any of its acts or omissions was a cause
25 of injury or damage to Plaintiff. This Answering Defendant denies that any
26 of its acts or omissions was unlawful.
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1 74. This Answering Defendant incorporates by reference all
2 admissions and denials as previously set forth in each and every paragraph
3 in its answer to the SAC.

4 75. This Answering Defendant admits that Plaintiff was a ward of
5 the court and incarcerated at Camp Scudder. This Answering Defendant
6 admits that Camp Scudder is a juvenile detention facility operated by the
7 County of Los Angeles. This Answering Defendant lacks knowledge
8 sufficient to form a belief upon which to admit or deny the remainder of the
9 allegations of Paragraph 75 and on that basis, the remainder of Paragraph 75
10 is denied.

11 76. This Answering Defendant lacks knowledge sufficient to form
12 a belief upon which to admit or deny the allegations of Paragraph 76 and on
13 that basis, the allegations in Paragraph 76 are denied.

14 77. This Answering Defendant lacks knowledge sufficient to form
15 a belief upon which to admit or deny the allegations in Paragraph 77 and on
16 that basis, the allegations in Paragraph 77 are denied.

17 78. This Answering Defendant lacks knowledge sufficient to form
18 a belief upon which to admit or deny the allegations in Paragraph 78 and on
19 that basis, the allegations in Paragraph 78 are denied.

20 79. This Answering Defendant lacks knowledge sufficient to form
21 a belief upon which to admit or deny the allegations in Paragraph 79 and on
22 that basis, the allegations in Paragraph 79 are denied.

23 80. This Answering Defendant lacks knowledge sufficient to form
24 a belief upon which to admit or deny the allegations in Paragraph 80 and on
25 that basis, the allegations in Paragraph 80 are denied.

26 81. This Answering Defendant denies that it violated Plaintiff's
27 Constitutional Rights and denies that any of its acts or omissions was a cause
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1 of injury or damage to Plaintiff. This Answering Defendant denies that any
2 of its acts or omissions was unlawful.

3 82. This Answering Defendant incorporates by reference all
4 admissions and denials as previously set forth in each and every paragraph
5 in its answer to the SAC.

6 83. This Answering Defendant admits that Plaintiff was a ward of
7 the court and incarcerated at Camp Scudder. This Answering Defendant
8 admits that Camp Scudder is a juvenile detention facility operated by the
9 County of Los Angeles. This Answering Defendant lacks knowledge
10 sufficient to form a belief upon which to admit or deny the remainder of the
11 allegations of Paragraph 83 and on that basis, the remainder of Paragraph 83
12 is denied.

13 84. This Answering Defendant admits the allegations of Paragraph
14 84.

15 85. This Answering Defendant lacks knowledge sufficient to form
16 a belief upon which to admit or deny the allegations in Paragraph 85 and on
17 that basis, the allegations in Paragraph 85 are denied.

18 86. This Answering Defendant lacks knowledge sufficient to form
19 a belief upon which to admit or deny the allegations in Paragraph 86 and on
20 that basis, the allegations in Paragraph 86 are denied.

21 87. This Answering Defendant lacks knowledge sufficient to form
22 a belief upon which to admit or deny the allegations in Paragraph 87 and on
23 that basis, the allegations in Paragraph 87 are denied.

24 88. This Answering Defendant lacks knowledge sufficient to form
25 a belief upon which to admit or deny the allegations in Paragraph 88 and on
26 that basis, the allegations in Paragraph 88 are denied.

1 89. This Answering Defendant lacks knowledge sufficient to form
2 a belief upon which to admit or deny the allegations in Paragraph 89 and on
3 that basis, the allegations in Paragraph 89 are denied.

4 90. This Answering Defendant denies that it violated Plaintiff's
5 Constitutional Rights and denies that any of its acts or omissions was a cause
6 of injury or damage to Plaintiff. This Answering Defendant denies that any
7 of its acts or omissions was unlawful.

8 91. This Answering Defendant incorporates by reference all
9 admissions and denials as previously set forth in each and every paragraph
10 in its answer to the SAC.

11 92. This Answering Defendant admits that the actions of
12 Coddington, Ibanez and Powers were within the course and scope of
13 employment of the County and the LACPD. This Answering Defendant
14 lacks knowledge sufficient to form a belief upon which to admit or deny the
15 remainder of the allegations in Paragraph 92 and on that basis, the remainder
16 of the allegations of Paragraph 92 are denied.

17 93. This Answering Defendant denies that it deprived Plaintiff of
18 any Constitutional Rights and denies that any of its actions or omissions was
19 a cause of injury or damage to Plaintiff. This Answering Defendant lacks
20 knowledge sufficient to form a belief upon which to admit or deny the
21 remainder of the allegations in Paragraph 93 and on that basis, the remainder
22 of the allegations in Paragraph 93 are denied.

23 94. This Answering Defendant denies each and every allegation in
24 Paragraph 94 of the SAC.

25 95. This Answering Defendant denies each and every allegation in
26 Paragraph 95 of the SAC.
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1 96. This Answering Defendant denies each and every allegation in
2 Paragraph 96 of the SAC.

3 97. This Answering Defendant denies each and every allegation in
4 Paragraph 97 of the SAC. This Answering Defendant denies that Plaintiff
5 was injured or damaged as a result of any act or omission of the Answering
6 Defendant and denies that any conduct on its part entitles Plaintiff to
7 punitive damages.

8 98. This Answering Defendant incorporates by reference all
9 admissions and denials as previously set forth in each and every paragraph
10 in its answer to the SAC.

11 99. This Answering Defendant admits that actions of defendants
12 Coddington, Ibanez and Powers were within the course and scope of
13 employment by the County and the LACPD. This Answering Defendant
14 lacks knowledge sufficient to form a belief upon which to admit or deny the
15 remainder of the allegations in Paragraph 99 and on that basis, the remainder
16 of Paragraph 99 is denied.

17 100. This Answering Defendant denies that it deprived Plaintiff of
18 any Constitutional Rights and denies that any of its actions or omissions was
19 a cause of injury or damage to Plaintiff. This Answering Defendant lacks
20 knowledge sufficient to form a belief upon which to admit or deny the
21 remainder of the allegations in Paragraph 100 and on that basis, the
22 remainder of the allegations in Paragraph 100 is denied.

23 101. This Answering Defendant denies each and every allegation in
24 Paragraph 101 of the SAC.

25 102. This Answering Defendant denies each and every allegation in
26 Paragraph 102 of the SAC.
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1 103. This Answering Defendant denies each and every allegation in
2 Paragraph 103 of the SAC.

3 104. This Answering Defendant denies each and every allegation in
4 Paragraph 104 of the SAC.

5 105. This Answering Defendant denies each and every allegation in
6 Paragraph 105 of the SAC. This Answering Defendant denies that Plaintiff
7 was injured or damaged as a result of any act or omission of the Answering
8 Defendant and denies that any conduct on its part entitles Plaintiff to
9 punitive damages.

10 106. This Answering Defendant incorporates by reference all
11 admissions and denials as previously set forth in each and every paragraph
12 in its answer to the SAC.

13 107. This Answering Defendant admits that defendant Coddington is
14 a supervisor in the Los Angeles County Probation Department.

15 108. This Answering Defendant denies that any acts or omissions of
16 defendant Coddington was a cause of any injury or damage to Plaintiff and
17 further denies that any acts or omissions of defendant Coddington was in
18 violation of Plaintiff's Constitutional Rights.

19 109. This Answering Defendant denies that defendant Coddington
20 knew or had been put on notice of any inappropriate conduct of Calderon as
21 alleged in Paragraph 109 of the SAC, denies that defendant Coddington
22 knew that Calderon was engaging in conduct in violation of policy and
23 denies that she knew or had reason to know that any conduct of Calderon
24 was violating Plaintiff's rights.

25 110. This Answering Defendant denies that any actions or
26 omissions of Coddington were a cause of any inappropriate conduct as
27 alleged in Paragraph 110 of the SAC.
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1 111. This Answering Defendant denies each and every allegation in
2 Paragraph 111 of the SAC.

3 112. This Answering Defendant denies each and every allegation in
4 Paragraph 112 of the SAC.

5 113. This Answering Defendant denies each and every allegation in
6 Paragraph 113 of the SAC.

7 114. This Answering Defendant denies that the actions of
8 Coddington were in reckless or callous indifference to the deprivation of
9 anyone's rights, including Plaintiff. This Answering Defendant denies that
10 Coddington engaged in any conduct which was a cause of injury or damage
11 to Plaintiff.

12 115. This Answering Defendant denies each and every allegation in
13 Paragraph 115 of the SAC. This Answering Defendant denies that Plaintiff
14 was injured or damaged as a result of any act or omission of the Answering
15 Defendant and denies that any conduct on its part entitles Plaintiff to
16 punitive damages.

17 116. This Answering Defendant incorporates by reference all
18 admissions and denials as previously set forth in each and every paragraph
19 in its answer to the SAC.

20 117. This Answering Defendant admits that Plaintiff seeks recovery
21 under the stated statute.

22 118. This Answering Defendant denies each and every allegation of
23 Paragraph 118 of the SAC. The Answering Defendant denies that it had
24 knowledge, at any time, that Plaintiff was at risk of being sexually assaulted
25 by Calderon, denies that it conspired with others to refuse to protect Plaintiff
26 and denies that it failed to intervene to protect Plaintiff. This Answering
27 Defendant denies that it violated Plaintiff's civil rights and denies that it
28

1 conspired to violate Plaintiff's civil rights. This Answering Defendant lacks
 2 knowledge upon which to admit or deny the remainder of the allegations of
 3 Paragraph 118 and on that basis, the remainder of Paragraph 118 is denied.

4 119. This Answering Defendant denies that any of its acts or
 5 omissions was a cause of injury or damage to Plaintiff, denies that it acted
 6 with deliberate indifference and denies that Plaintiff was harmed due to any
 7 conduct on the part of the Answering Defendant.

8 120. As to the Prayer for Relief, this Answering Defendant denies
 9 that any of its acts or omissions was a cause of injury or damage to Plaintiff;
 10 denies that Plaintiff is entitled to any compensatory or special damages from
 11 it; and denies that Plaintiff is entitled to any punitive damages. This
 12 Answering Defendant denies that Plaintiff is entitled to any damages in any
 13 sum from Answering Defendant.

14 **AFFIRMATIVE DEFENSES**

15 **FIRST AFFIRMATIVE DEFENSE**

16 1. The SAC fails to state a claim against the Answering Defendant upon
 17 which relief can be granted.

18 **SECOND AFFIRMATIVE DEFENSE**

19 2. The damages alleged by Plaintiff in the SAC were not caused by the
 20 fault, carelessness, negligence or wrongful conduct on the part of the Answering
 21 Defendant, but if any such fault, carelessness, or negligence is found to exist, any
 22 recovery or reward of damages must be diminished in proportion to the amount of
 23 fault attributable to Plaintiff.

24 **THIRD AFFIRMATIVE DEFENSE**

25 3. The Answering Defendant is entitled to an offset for all benefits paid
 26 to Plaintiff by any agency of the County of Los Angeles or through funds which
 27 were provided by the County of Los Angeles.
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FOURTH AFFIRMATIVE DEFENSE

4. Plaintiff has failed to mitigate her damages.

FIFTH AFFIRMATIVE DEFENSE

5. The Answering Defendant exercised due care and diligence in all matters alleged in the SAC, and no negligence or wrongful act or omission by said Answering Defendant was the proximate cause of any alleged injury, loss or damage to Plaintiff.

SIXTH AFFIRMATIVE DEFENSE

6. Any alleged acts or omissions by the Answering Defendant was superseded by the negligence of the Plaintiff, whose negligence was the sole and proximate cause of any damages that Plaintiff alleges in the SAC.

SEVENTH AFFIRMATIVE DEFENSE

7. Any and all acts or omissions of the Answering Defendant which allegedly caused the injury at the time and place set forth in the SAC was in the exercise of discretion vested in it and therefore there is no liability pursuant to California Government Code Section 820.2, et seq.

EIGHTH AFFIRMATIVE DEFENSE

8. The acts of the Answering Defendant were lawfully made in good faith as law enforcement officers acting within the scope of their authority and with reasonable cause at the time to believe that their conduct was lawful.

NINTH AFFIRMATIVE DEFENSE

9. Public employees are not liable for their acts or omissions, while exercising due care, keeping the peace, insuring the safety of the public, and enforcing the law.

TENTH AFFIRMATIVE DEFENSE

10. The Answering Defendant took action which might reasonably be expected of law enforcement officers of ordinary prudence, acting under similar circumstances, who desire to keep the peace and enforce the law.

ELEVENTH AFFIRMATIVE DEFENSE

11. This Answering Defendant exercised due care and diligence in all matters alleged in the SAC, and no negligence or wrongful act or omission by said Defendant was the proximate cause of any alleged injury, loss or damage to Plaintiff.

TWELFTH AFFIRMATIVE DEFENSE

12. This Answering Defendant alleges that if Plaintiff suffered any damages, those damages were proximately caused or contributed to by the negligence or otherwise culpable conduct of individuals or entities other than these Answering Defendant, whether or not named and served herein, which precludes Plaintiff from recovery against this Answering Defendant.

THIRTEENTH AFFIRMATIVE DEFENSE

13. The alleged acts and/or omissions by the Answering Defendant were not in the performance under the "color of law" as required by 42 U.S.C. §1983.

FOURTEENTH AFFIRMATIVE DEFENSE

14. The Plaintiff's SAC and each and every claim contained therein, and/or any amendments thereto, are barred by the applicable statute of limitations.

FIFTEENTH AFFIRMATIVE DEFENSE

15. The Answering Defendant is informed and believes and thereon alleges that Defendant is entitled to a right of contribution from any person whose negligence or intentional act proximately contributed to the happening of the alleged incident or alleged injuries of Plaintiff should Plaintiff receive a verdict against this Answering Defendant.

SIXTEENTH AFFIRMATIVE DEFENSE

16. The Answering Defendant's liability, if any, for Plaintiff's non-economic damages is limited to this Answering Defendants' proportionate fault, if any, in accordance with California Civil Code sections 1432.2 and 1431.5 and any damages awarded to Plaintiff against this Answering Defendant should be reduced accordingly.

SEVENTEENTH AFFIRMATIVE DEFENSE

17. The Answering Defendant reserves their right to seek defense costs on the basis that the instant lawsuit was not brought in good faith and is frivolous.

EIGHTEENTH AFFIRMATIVE DEFENSE

18. Plaintiff's SAC fails to set forth a cause of action because the Answering Defendant did not act pursuant to an official government policy which violated Plaintiff's constitutional rights.

NINETEENTH AFFIRMATIVE DEFENSE

19. Plaintiff has failed to exhaust her remedies under State and/or Administrative law as to some or all of the allegations contained in her SAC.

TWENTIETH AFFIRMATIVE DEFENSE

20. Plaintiff's Complaint is unable to establish that any activity alleged to have caused the unconstitutional deprivation was done pursuant to a policy, statement, ordinance, regulation, or decision officially adopted and promulgated by this Answering Defendant.

TWENTY FIRST AFFIRMATIVE DEFENSE

21. Plaintiff's injuries, if any, were caused by persons other than the Answering Defendant.

TWENTY SECOND AFFIRMATIVE DEFENSE

22. Plaintiff's injuries, if any, are the result of her own negligence and/or assumption of known risk.

1 **TWENTY THIRD AFFIRMATIVE DEFENSE**

2 23. Plaintiff's allegations and claims for relief are barred, in whole or in
3 part, by the doctrine of laches.

4 **TWENTY FOURTH AFFIRMATIVE DEFENSE**

5 24. Plaintiff's allegations and claims for relief are barred, in whole or in
6 part, by the doctrine of unclean hands.

7 **TWENTY FIFTH AFFIRMATIVE DEFENSE**

8 25. Plaintiff's allegations and claims for relief are barred, in whole or in
9 part, by the doctrine of estoppel.

10 **TWENTY SIXTH AFFIRMATIVE DEFENSE**

11 26. The Answering Defendant cannot fully anticipate all affirmative
12 defenses that are applicable to Plaintiff's claims based on the general allegations
13 contained in the SAC. As such, this Answering Defendant reserves its right to
14 assert additional affirmative defenses as they become applicable.

15 **PRAYER**

16 WHEREFORE, Answering Defendant prays for judgment on Plaintiff's
17 SAC, the award of its costs and fees in this action, and for such relief as the Court
18 may deem just and proper.

19
20 Dated: October 5, 2017

SEKI, NISHIMURA & WATASE, LLP

21
22 By: /S/ Janet L. Keuper

23 GILBERT M. NISHIMURA

24 JANET L. KEUPER

25 Attorneys for Defendants, COUNTY OF
26 LOS ANGELES, ROSELYN IBANEZ,
27 DARLA CODDINGTON and JERRY
28 POWERS

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REQUEST FOR JURY TRIAL

THIS ANSWERING DEFENDANT, County of Los Angeles, hereby requests a jury trial on all issues triable by jury, as provided by Federal Rule of Civil Procedure, Rule 38(a) and (b).

Dated: October 5, 2017

SEKI, NISHIMURA & WATASE, LLP

By: /S/ Janet L. Keuper

GILBERT M. NISHIMURA

JANET L. KEUPER

Attorneys for Defendants, COUNTY OF
LOS ANGELES, ROSELYN IBANEZ,
DARLA CODDINGTON and JERRY
POWERS